

**LaJuana S. Wilcher**  
Secretary

# **AIR QUALITY PERMIT**

Issued under 401 KAR 52:020  
TITLE V/PSD

**Ernie Fletcher**  
Governor



**Commonwealth of Kentucky**  
**Environmental and Public Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**Permittee Name:** Recmix of PA, Inc.  
**Mailing Address:** 359 North Pike Road, Sarver, PA 16055

**is authorized to construct/operate a stainless steel recovery facility**

**Source Name:** Recmix of PA, Inc.  
**Mailing Address:** 6870 U.S. Hwy. 42E, Ghent, Kentucky 41045  
**Source Location:** 6870 U.S. Hwy. 42E, Ghent, Kentucky 41045

**KYEIS ID #:** 21-041-00042  
**Log Number:** 56071  
**AI Number:** 43858

**SIC Code:** 3999  
**County:** Carroll

**Permit Number:** V-03-051

**Permit Type:** Title V/PSD –  
Constructing/Operating Permit

**Regional Office:** Florence Regional Office  
8020 Veterans Memorial Drive  
Suite 110  
Florence, KY 41042  
(859) 525-4923

**Completion Date:** November 14, 2003  
**Issuance Date:** August 6, 2004  
**Expiration Date:** August 6, 2009

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**John S. Lyons, Director**  
**Division for Air Quality**

## Title V/PSD-Construction/Operating Permit

Recmix of PA Inc

Subject Item Inventory

Activity ID No.: APE20030001

### Subject Item Inventory:

ID	Designation	Description
AIOO43858	Slag Processing Plant	Recmix is a stainless steel recovery plant with a maximum processing rate of 280,000 tons/year. The incoming slag is estimated to have 8% to 13% moisture and the final aggregate exits the plant at about 18% moisture. Construction date = August, 2003.
AREA1	Unpaved Road	Front-end loaders travel on unpaved road. Roadways will be watered (70% control efficiency) to reduce particulate matter emissions.
AREA2	Final Aggregate Stockpile	Handling of the final aggregate from exit conveyor to exit pile. Stockpiles subject to wind erosion shall not exceed 20,000 tons at any time.
EQPT1	Raw Slag Handling	Transportation of raw slag (maximum of 280,000 tons/year) to slag storage stockpile using front-end loader. Watering will be used to control particulate matter emissions.
EQPT2	Raw Slag Handling	Transportation of raw slag (maximum of 280,000 tons/year) from slag storage stockpile to plant hopper using front-end loader. Watering will be used to control particulate matter emissions.
EQPT3	Raw Slag Handling	Raw slag (maximum of 280,000 tons/year) in the plant-hopper. Plant-hopper is enclosed inside a building to control particulate matter emissions.
EQPT4	Oversize Slag Handling	Transportation of oversize slag (maximum of 84,000 tons/year) from separator stockpile to pre-crusher stockpile using front-end loader. Oversize slag removal is enclosed inside a building to control particulate matter emissions.
EQPT5	Oversize Slag Handling	Transportation of oversize slag (maximum of 84,000 tons/year) from pre-crusher to picking conveyor using front-end loader.
EQPT6	Oversize Slag Handling	Transportation of oversize slag (maximum of 84,000 tons/year) from picking conveyor to crusher using conveyor.
EQPT7	Oversize Slag Handling	Transportation of oversize slag (maximum of 84,000 tons/year) from crusher to slag storage stockpile using front-end loader.
EQPT8	Slag Skull Handling	Transportation of slag skull (maximum of 4,200 tons/year) from skull picking storage storage pile to skull screening storage pile using conveyor. Water sprays from multiple, fixed position water cannons will be used to control particulate matter emissions.
EQPT9	Slag Skull Handling	Transportation of slag skull (maximum of 4,200 tons/year) from skull screening storage pile to skull screener using conveyor.
EQPT10	Final Aggregate Handling	Transportation of final aggregate slag (maximum of 266,000 tons/year) from Wet Dressing Plant to exit pile using conveyor.
EQPT11	Final Aggregate Handling	Transportation of final aggregate slag (maximum of 266,000 tons/year) from exit pile to final storage using front-end loader.
EQPT12	Crushing Operation	Oversized slag crushing (maximum of 79,800 tons/year) operation. Water sprays (75.4% control efficiency) will be used to control particulate matter emissions.
EQPT13	Screening	Slag skull screening (maximum of 4,200 tons/year).
EQPT14	Rod Mill	Emissions from Rod Mill.
EQPT15	Ball Mill	Emissions from Ball Mill.
EQPT16	Mechanical Screen	Recline mechanical screen. Proposed installation date = within 18 months of the issuance date of this permit.

## **Title V/PSD-Construction/Operating Permit**

Recmix of PA Inc  
Subject Item Inventory

Activity ID No.: APE20030001

### **KEY**

ACTV = Activity

AREA = Area

EQPT = Equipment

PERS = Personnel

STOR = Storage

TRMT = Treatment

AIOO = Agency Interest

COMB = Combustion

MNPT = Monitoring Point

PORT = Transport

STRC = Structure

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**AIOO43858 (Slag Processing Plant) Recmix is a stainless steel recovery plant with a maximum processing rate of 280,000 tons/year. The incoming slag is estimated to have 8% to 13% moisture and the final aggregate exits the plant at about 18% moisture. Construction date = August, 2003. :**

### Limitation Requirements:

Condition No.	Parameter	Condition
L-1	Feed Rate	Total slag Feed Rate <= 280,000 tons/yr. Statistical basis: Twelve-consecutive-month maximum.
L-2	Moisture Content	At all times, the slag Moisture Content >= 8 % by weight. Statistical basis: Minimum.
L-3	PM10 (Particulate Matter - 10 Microns Or Less)	Plant-wide PM10 (Particulate Matter - 10 Microns Or Less) < 3.52 tons/yr. Statistical basis: Twelve-consecutive-month maximum.

### Monitoring Requirements:

Condition No.	Parameter	Condition
M-1	Feed Rate	Slag Feed Rate monitored by calculations monthly. This requirement is applicable during the following months: All Year. Statistical basis: Monthly total.
M-2	Visible Emissions	All operations and control equipment contained in the described item or group shall be observed daily during daylight hours to determine whether conditions appear to be normal or abnormal. Normal or abnormal determinations for Visible Emissions monitored by visual inspection/determination daily shall be made. If the operations, controls and/or emissions appear to be abnormal, the permittee must then comply with the deviation reporting described in Section D of this permit. [401 KAR 52:040 Section 10] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.
M-3	Compliance Demonstration	Initial Compliance Demonstration monitored by the referenced method(s) for each unit shall be demonstrated through performance demonstration or testing. See Performance Test and Performance Test Report in this permit for details. [401 KAR 52:040 Section 10] This requirement is applicable during the following months: All Year. Statistical basis: Approved basis.

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### Monitoring Requirements:

Condition No.	Parameter	Condition
M-4	Compliance Demonstration	In addition to other monitoring described for the unit(s), continued Compliance Demonstration monitored by acceptable method(s) as needed shall be demonstrated through periodic testing, record keeping, etc. as described in the Sections C and D of this permit. [401 KAR 52:040 Section 10] This requirement is applicable during the following months: All Year. Statistical basis: Approved basis.

### Record-Keeping Requirements:

#### Feed Rate:

Condition No.	Condition
R-1	Total slag Feed Rate recordkeeping by logbook annually in tons/month and tons/year.

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### Submittal/Action Requirements:

Condition No.	Condition
S-1	<p><b>SEMIANNUAL REPORTS:</b></p> <p>The permittee shall submit report(s): Due semiannually, by the 30th of January and July to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. This report shall be a summary of any monitoring required by this permit, other than continuous emission or opacity monitors. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1b (V)1]. All deviations from permit requirements shall be clearly identified in the reports. All reports shall be certified by a responsible official [401 KAR 52:020, Section 23]. Data from all continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, Section 3(3). [401 KAR 52:020 Section 26, 401 KAR 59:005 Section 3(3)]</p>
S-2	<p><b>EMISSION EXCEEDANCES:</b></p> <p>The owner or operator shall submit report(s): Due within thirty (30) days of emission related exceedances from permit requirements, including those attributed to upset conditions (other than emission exceedances covered by Requirement D.5); to the Regional Office listed on the front of this permit. Other deviations from permit requirements shall be included in the semiannual reports required by Condition No S-1. [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1b V(3) and (4)]. [401 KAR 52:020 Section 26]</p>

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### Submittal/Action Requirements:

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Condition No.	Condition
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S-3

#### COMPLIANCE CERTIFICATION:

The permittee shall certify compliance with the terms and conditions contained in this permit and shall submit compliance certification: Due annually, by the 30th of January to the Regional Office listed on the front of this permit. Compliance Certification Form (DEP 7007CC) (or an approved alternative) shall be used in accordance with the following requirements:

- a. Identification of each term or condition;
- b. The compliance status regarding each term or condition of the permit;
- c. Whether compliance was continuous or intermittent; and
- d. The method used for determining the compliance status for the source, currently and over the reporting period.
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the Regional Office listed on the front of this permit and the following addresses:

U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601. [401 KAR 52:020 Section 21]

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### Submittal/Action Requirements:

Condition No.	Condition
S-4	<p><b>PERFORMANCE TESTS:</b></p> <p>This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration (test) on the affected facilities in accordance with 401 KAR 50:045, General compliance requirements. [401 KAR 59:005 Section 2(1)]. The permittee shall complete and submit Compliance Test Protocol (Form DEP 6027): Due at least 30 days prior to performance/emissions test to the Division's Frankfort Central Office [Policy manual of the Division for Air Quality, Section VII 2.(1)][401 KAR 50:016, Section 1(1)]. The Division shall be notified of the actual test date at least ten (10) days prior to the test. [401 KAR 50:045 Section 5]</p>
S-5	<p><b>PERFORMANCE TEST REPORT:</b></p> <p>For any performance test(s) required by this permit, the permittee shall submit performance/emission test results: Due within 45 days of the completion of the fieldwork to the Division [Policy Manual of the Division of Air Quality, Section VII.3]. [401 KAR 50:016 Section 1(1)]</p>
S-6	<p><b>PERMIT EXPIRATION AND REAPPLICATION REQUIREMENTS:</b></p> <p>This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate. The permittee shall submit permit application for renewal: Due at least 180 days prior to permit expiration to the Division. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:020 Section 12] The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets. [401 KAR 52:020 Section 8(2)]</p>



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### Submittal/Action Requirements:

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Condition No.	Condition
S-7	<p>NOTIFICATION:</p> <p>The following information shall be reported:</p> <ol style="list-style-type: none"><li>The date when construction commenced.</li><li>The date of start-up of the affected facilities listed in this permit.</li><li>The date when the maximum production rate specified in the permit application was achieved. The permittee shall submit information: Due within 30 days after construction commencement and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office. [401 KAR 52:020]</li></ol>

### Narrative Requirements:

#### Applicable Regulations:

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Condition No.	Condition
T-1	<p>Applicable Regulations:</p> <ol style="list-style-type: none"><li>401 KAR 51:017 - Prevention of Significant Deterioration of Air Quality.</li><li>Fugitive emissions is applicable to each affected facility which emits or may emit fugitive emissions and is not elsewhere subject to an opacity standard within the administrative regulations of the Division for Air Quality. [401 KAR 63:010 Section 1]</li></ol>

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### Narrative Requirements:

#### Additional Limitations:

Condition No.	Condition
T-2	Additional Limitations: No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate. In addition, the materials processed at each unit listed above shall be controlled with wet suppression and/or enclosures so as to comply with the standards specified in Section 3 of 401 KAR 63:010, Fugitive emissions. [401 KAR 63:010 Section 3]

#### Compliance Demonstration:

Condition No.	Condition
T-3	Compliance Demonstration: Applicable to Fugitive Emission Limitation. Observations and records, if applicable, shall be utilized to demonstrate failure to comply. Otherwise, compliance is assumed when daily observations indicate that the processes and controls are operating normally. [401 KAR 52:040]

#### Recordkeeping:

Condition No.	Condition
T-4	Recordkeeping: (i) Recmix shall keep monthly and yearly records of material usage to demonstrate compliance with the usage rate limitation specified in the description for each emission ID, where applicable. (ii) Recmix shall keep records of the water (dust suppressant) application dates. (iii) See Section C1 of this permit. [401 KAR 52:040 Section 10]

#### Reports and Submittals:

Condition No.	Condition
T-5	Reports and Submittals: See Semiannual Reports, Compliance Certification, Notification, and Sections D1 and D2 of this permit. [401 KAR 52:040 Section 10]

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### Narrative Requirements:

Condition No.	Condition
T-6	SECTION A. PERMIT AUTHORIZATION. [401 KAR 52:020]
T-7	<p>A1. Pursuant to a duly submitted application, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.</p> <p>The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.</p> <p>Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency. [401 KAR 52:020]</p>
T-8	SECTION B. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS. [401 KAR 52:020]
T-9	B1. Compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1b]. [401 KAR 52:020 Section 26]
T-10	B2. Particulate Matter 10 (PM10) emissions, as measured by methods referenced in 401 KAR 50:015 Section 1, shall not exceed the respective limitations specified herein. [401 KAR Chapter 52]
T-11	SECTION C. SOURCE CONTROL EQUIPMENT REQUIREMENTS. [401 KAR 50:055]
T-12	C1. At all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [401 KAR 50:055 Section 2(5)]
T-13	SECTION D. MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS. [401 KAR 52:020]

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### Narrative Requirements:

Condition No.	Condition
T-14	<p>D.1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:</p> <ul style="list-style-type: none"><li>a. Date, place as defined in this permit, and time of sampling or measurements.</li><li>b. Analyses performance dates;</li><li>c. Company or entity that performed analyses;</li><li>d. Analytical techniques or methods used;</li><li>e. Analyses results; and</li><li>f. Operating conditions during time of sampling or measurement [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1b (IV)(1)]. [401 KAR 52:020 Section 26]</li></ul>
T-15	<p>D.2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Cabinet Provisions and Procedures for Issuing Title V Permits, Sections 1b (IV)(2) and 1a (8)]. [401 KAR 52:020 Section 26]</p>
T-16	<p>D.3. The permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:</p> <ul style="list-style-type: none"><li>a. To access and copy any records required by the permit;</li><li>b. To inspect any facility, equipment (including monitoring and air pollution control equipment), practice, or operation; and</li><li>c. To sample or monitor substances or parameters to assure compliance with the permit or any applicable requirements.</li></ul> <p>Reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency. [401 KAR 52:020 Section 3(1)(h)]</p>
T-17	<p>D.4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Pursuant to 401 KAR 50:060, Section 2(2), refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties. [KRS 77.165, 401 KAR 50:060 Section 2(2)]</p>

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### Narrative Requirements:

Condition No.	Condition
T-18	<p>D.5. The owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:</p> <p>i) When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.</p> <p>ii) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request. [401 KAR 50:055 Section 1]</p>
T-19	<p>D.6. The permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit. [401 KAR 52:020 Section 3(1)(d)]</p>
T-20	<p>SECTION E. GENERAL PROVISIONS. [401 KAR 52:020]</p>
T-21	<p>E(a) General Compliance Requirements. [401 KAR 52:020]</p>
T-22	<p>E(a)1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including termination, revocation and reissuance, revision or denial of a permit [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (3)]. [401 KAR 52:020 Section 26]</p>
T-23	<p>E(a)2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (6)]. [401 KAR 52:020 Section 26]</p>

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### Narrative Requirements:

Condition No.	Condition
T-24	<p>E(a)3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:</p> <p>a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;</p> <p>b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;</p> <p>c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;</p> <p>d. If any additional applicable requirements of the Acid Rain Program become applicable to the source. [Acid Rain sources only]</p> <p>Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency. [401 KAR 52:020 Section 19]</p>
T-25	<p>E(a)4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (7) and (8)]. [401 KAR 52:020 Section 26]</p>
T-26	<p>E(a)5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:020 Section 7(1)]</p>
T-27	<p>E(a)6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (14)]. [401 KAR 52:020 Section 26]</p>
T-28	<p>E(a)7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (4)]. [401 KAR 52:020 Section 26]</p>

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### Narrative Requirements:

Condition No.	Condition
T-29	E(a)8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (15)(b)]. [401 KAR 52:020 Section 26]
T-30	E(a)9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3 (6) [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (10)]. [401 KAR 52:020 Section 26]
T-31	E(a)10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020 Section 11(3)(b)]
T-32	E(a)11. This permit does not convey property rights or exclusive privileges. [Cabinet Provisions and Procedures for Issuing Title V Permits, Section 1a (9)]. [401 KAR 52:020 Section 26]
T-33	E(a)12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency. [401 KAR Chapter 52]
T-34	E(a)13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020 Section 11(3)(d)]
T-35	E(a)14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020 Section 11(3)(a)]
T-36	E(a)15. Permit shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with: (a) Applicable requirements that are included and specifically identified in the permit and (b) Non-applicable requirements expressly identified in this permit. [401 KAR 52:020 Section 11]
T-37	E(a)16. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source. [401 KAR Chapter 51]

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### Narrative Requirements:

Condition No.	Condition
T-38	E(b) Permit Revisions. [401 KAR 52:020]
T-39	E(b)1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2). [401 KAR 52:020 Section 14(2)]
T-40	E(b)2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer. [401 KAR 52:020]
T-41	E(c) Construction, Start-Up, and Initial Compliance Demonstration Requirements. [401 KAR 52:020]
T-42	E(c)1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit. [401 KAR 52:020]
T-43	E(c)2. Unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause. [401 KAR 52:020 Section 3(2)]
T-44	E(c)3. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet. [401 KAR 50:055]
T-45	E(c)4. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire. [401 KAR Chapter 51]



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Condition No.	Condition
T-46	E(c)5. If a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the permittee is only authorized to operate at a rate that is not greater than 110 percent of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be demonstrated at the new production rate if required by the Division [Policy manual of the Division for Air Quality, Section VII 1(2 and 3)]. [401 KAR 50:016 Section 1(1)]
T-47	E(e) Emergency Provisions. [401 KAR 52:020]
T-48	E(e)1. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that: a. An emergency occurred and the permittee can identify the cause of the emergency; b. The permitted facility was at the time being properly operated; c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations are exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken. e. This requirement does not relieve the source from other local, state or federal notification requirements. [401 KAR 52:020 Section 24(1)]
T-49	E(e)2. Emergency conditions listed in General Condition E(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:020 Section 24(3)]
T-50	E(e)3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020 Section 24(2)]
T-51	E(f) Risk Management Provisions. [401 KAR Chapter 68]

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### Narrative Requirements:

Condition No.	Condition
T-52	<p>E(f)1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:</p> <p>RMP Reporting Center P.O. Box 3346 Merrifield, VA, 22116-3346. [401 KAR Chapter 68]</p>
T-53	<p>E(f)2. If requested, submit additional relevant information to the Division or the U.S. EPA. [401 KAR Chapter 68]</p>
T-54	<p>E(g) Ozone depleting substances. [40 CFR 82]</p>
T-55	<p>E(g)1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:</p> <ul style="list-style-type: none"><li>a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.</li><li>b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.</li><li>c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.</li><li>d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166</li><li>e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.</li><li>f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166. [40 CFR 82]</li></ul>
T-56	<p>E(g)2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners. [40 CFR 82]</p>